

Testimony on HB 574

ED-00173
DATE 4/5/11
HB 574

Honorable Chairman Murphy and Honorable members of the Committee:

For the record my name is Betty L. Babcock. I live in Helena, Montana. I was a delegate to the Montana Constitutional Convention in 1972 and a legislator in 1974-1976. The district I served was #12, which was Broadwater, Townsend, and Lewis and Clark Counties. Forty-eight candidates filed for this district and six were elected. I considered it an honor and a privilege to serve as a delegate. I was appointed to serve on the Executive Committee, and on the Public Information Committee at the Constitutional Convention.

I have been asked to testify in regard to HB 574, a Constitutional referendum to specify there is no right to abortion or its public funding. I understand that all or most of the bills pertaining to the regulation of abortion have been declared unconstitutional by Montana's courts. Because of our failure to mention abortion in our Constitution, the courts have interpreted it to have an expanded right to abortion, greater than that provided by *Roe v. Wade* in 1973 after our Constitution was written. I understand that this interpretation comes from our privacy provision. Yet during the Constitutional Convention, discussion about privacy never included any mention of abortion.

There is one thing that I believe you might be able to find as the theme of all of our Montana Constitution and it is found in Article II, Section 1. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

I believe that HB 574, a referendum from the legislature should be passed and referred to the people for their approval. Abortion is an issue that should be regulated at the state level by our legislators, as done in many other states. This issue should not be legislated by the courts. Therefore, I would hope the people will be able to exercise their rights and speak to this issue when it appears on the ballot.

I urge your support for HB 574 and I thank you for your time and consideration of this measure. I gratefully appreciate your service to the state of Montana.

Most sincerely,

Betty L. Babcock